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Docket No.: 418268836US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Allyn et al.

Application No.: 10/699,401

Confirmation No.: 3285

Filed: October 31, 2003

Art Unit: 2673

For: **INTUITIVE TOOLS FOR MANIPULATING  
OBJECTS IN A DISPLAY**

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the attached "Applicant's Statement Regarding a Non-Public Use." It is respectfully requested that this Statement be expressly considered during the prosecution of this application.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider it.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0665, under Order No. 418268836US.

Dated: 4-7-06

Respectfully submitted,

By Maurice J. Pirio

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## APPLICANTS' STATEMENT REGARDING A NON-PUBLIC USE

This statement is presented by Applicants to disclose events related to a non-public use of implementations described in the Application for Letters Patent, US Application No. 10/699,401, hereinafter "the Application."

At least some of the features disclosed in the Application may have been included in a beta release of Office, which occurred in October 2002. Therefore, it is possible some of the system code incorporating the described implementations was disclosed to a controlled set of users more than one year from the filing date of the Application. This beta release of Office, which was conducted for testing purposes, included approximately five thousand users. It is significant to note that the beta was distributed to a fixed number of users, and each user acknowledged our non-disclosure agreement. The non-disclosure agreement included the following clause:

7. CONFIDENTIALITY. The Product, including its existence and features, and related information are proprietary and confidential information to Microsoft and its suppliers. Recipient agrees not to disclose or provide the Product, documentation, or any related information (including the Product features or the results of use or testing) to any third party, prior to commercial release of the Product. However, Recipient may disclose confidential information in accordance with judicial or other governmental order, provided Recipient shall give Microsoft reasonable written notice prior to such disclosure and shall comply with any applicable protective order or equivalent. Further, Recipient shall not be liable to Microsoft for disclosure of information which Recipient can prove (a) is already known to Recipient without an obligation to maintain the same as confidential; (b) becomes publicly known through no wrongful act of Recipient; (c) is rightfully received from a third party without breach of an obligation of confidentiality owed to Microsoft; or (d) is independently developed by Recipient. The obligations of this Section 7 are in addition to the terms of any confidentiality or non-disclosure agreement that may exist between Microsoft and Recipient.

Since the beta was distributed to a fixed number of users that acknowledged the above confidentiality clause, Applicants believe submission of the claims in the Application is proper.